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8           WILLIAM RUETH

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10           **UNITED STATES DISTRICT COURT**  
11           **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

12           WILLIAM RUETH

13           Plaintiff,

14           ) CASE NO.: **'11CV0772 LAB -RBB**

15           )

16           vs. ) **COMPLAINT FOR DAMAGES**  
17           ) **FOR NEGLIGENCE**  
18           ) **(DANGEROUS CONDITIONS -**  
19           ) **PREMISES LIABILITY)**

20           ) **DEMAND FOR JURY TRIAL**

21           HARRAH'S RINCON CASINO AND  
22           RESORT, a business entity, form unknown;  
23           HCAL CORPORATION, a corporation;  
24           HARRAH'S ENTERTAINMENT, INC., a  
25           corporation; HARRAH'S OPERATING  
26           COMPANY, INC., a corporation; RINCON  
27           BAND OF LUISENO INDIANS, a business  
28           entity, form unknown; and DOES 1 to 50,  
inclusive.

17           Defendants.

18           COMES NOW PLAINTIFF, WILLIAM RUETH, AND FOR HIS CAUSE(S) OF  
19           ACTION AGAINST THE DEFENDANTS AND EACH OF THEM, ALLEGES AS FOLLOWS:

20           **PRELIMINARY STATEMENT**

- 21           1. This lawsuit seeks redress on behalf of the William Rueth for injuries and damages he  
22           sustained as a result of slip and fall at the Harrah's Rincon Casino and Resort.

23           **JURISDICTION**

- 24           2. Plaintiff is a citizen of the State of California and defendants are corporations  
25           incorporated under the laws Nevada and Delaware which have their principal places of  
26           business in a State other than the State of California. The matter in controversy exceeds,  
27           exclusive of interest and costs, the sum specified by 28 U.S.C. § 1332, which is \$75,000.

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1           **COMPLAINT FOR DAMAGES FOR NEGLIGENCE (DANGEROUS CONDITIONS - PREMISES LIABILITY)**

## VENUE

- 2 3. Venue for this case is proper in the Southern District of California under Title 28 United  
3 States Code § 1391(c) because defendants are corporations which shall be deemed to  
4 reside in any judicial district in which it is subject to personal jurisdiction at the time the  
5 action is commenced and 28 USC § 1391(a)(2) because a substantial part of the events or  
6 omissions' on which the claims are based occurred in this district.

7 4. All the acts complained of herein occurred in Valley Center City, County of San Diego,  
8 State of California.

**PLAINTIFF**

- 10      5. Plaintiff is an individual who is a competent adult and is now, and at all times mentioned  
11                  in this complaint was, a resident of Los Angeles County, California.

## DEFENDANTS

- 13 6. Defendant HARRAH'S ENTERTAINMENT, INC. is now, and at all times mentioned in  
14 this complaint was, a corporation organized and existing under the laws of Delaware, and,  
15 on information and belief, is authorized to do business in California, with its principle  
16 place of business in California unknown, doing business in San Diego County.

17 7. Defendant HCAL CORPORATION is now, and at all times mentioned in this complaint  
18 was, a corporation organized and existing under the laws of Nevada, and, on information  
19 and belief, is authorized to do business in California, with its principle place of business  
20 in California unknown, doing business in San Diego County. HCAL Corporation is a  
21 wholly owned subsidiary of defendant Harrah's Entertainment, Inc.

22 8. Defendant HARRAH'S OPERATING COMPANY, INC. is now, and at all times  
23 mentioned in this complaint was, a corporation organized and existing under the laws of  
24 Delaware, and authorized to do business in California, with its principle place of business  
25 in California unknown, doing business in San Diego County. Harrah's Operating  
26 Company, Inc. is a wholly owned subsidiary of defendant Harrah's Entertainment, Inc.

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- 1       9. At all times mentioned in this complaint, Defendants, and each of them, on information  
 2       and belief, planned, financed, constructed, staffed, managed, promoted, owned, operated  
 3       and controlled a for-profit Casino known as Harrah's Rincon Casino which is located on  
 4       the Rincon Indian Reservation near Valley Center in San Diego, California.
- 5       10. At all times herein mentioned defendants, and each of them, owned, maintained,  
      controlled, repaired, inspected, operated, and managed the business premises known as  
      Harrah's Rincon Casino and Resort located at 777 Harrah's Rincon Way, city of Valley  
      Center, County of San Diego, State of California.
- 6       11. The hotel and casino is owned and controlled by the Rincon San Luiseno Band of  
      Mission Indians aka Rincon Band of Luiseno Indians Tribe.
- 7       12. Defendant RINCON BAND OF LUISENO INDIANS ("RINCON" or "Defendant") is  
      a business entity located within the County of San Diego, and within this judicial district.
- 8       13. Plaintiff is ignorant of the true names and capacities of defendants sued herein as DOES  
      1-50, inclusive, and therefore, sues these defendants by such fictitious names.
- 9       14. Plaintiff is informed and believes and thereon alleges that defendants, and each of them  
      and DOES 1 through 50, inclusive, are and at all times herein mentioned were, a business  
      entity licensed and authorized to do business in the County of San Diego, State of  
      California.
- 10      15. At all times herein mentioned, each defendant was the agent, servant, and employee of  
      the remaining co-defendants, and in doing the acts as alleged herein, was acting within  
      the course and scope of such agency, employment, with the knowledge, consent and  
      permission of the remaining co-defendants.
- 11      16. Plaintiff is informed and believes that the Doe defendants are California residents or  
      business entities formed and existing under the laws of California or authorized to do  
      business in California and that these Doe defendants participated in the conduct alleged in  
      this complaint and are jointly and severally responsible for the damages sustained.  
      Plaintiff will amend this complaint to allege their true names and capacities when  
      ascertained.

- 1 17. At all times pertinent herein, each Defendant is sued as the agent, employee, or  
2 representative of the remaining Defendants and/or the Rincon Tribe, and Plaintiff is  
3 informed and believes these Defendants were acting at least in part within the scope of  
4 authority of such relationship while doing or omitting to do such acts alleged in this  
5 complaint and with the consent approval and/or ratification of all other Defendants and/or  
6 the Rincon Tribe, which establishes either direct or vicarious liability, and that all  
7 Defendants and/or the Rincon Tribe have encouraged, permitted, aided or abetted and or  
8 conspired together to commit the wrongful acts and omissions being asserted it this  
9 complaint which have caused Plaintiff's injuries.

10 18. Plaintiff is informed and believes and thereon alleges that defendants, and each of them  
11 and DOES 1 through 50, inclusive, are and at all times herein mentioned were, a business  
12 entity licensed and authorized to do business in the County of San Diego, State of  
13 California.

14 19. At all times herein mentioned, each defendant was the agent, servant, and employee of  
15 the remaining co-defendants, and in doing the acts as alleged herein, was acting within  
16 the course and scope of such agency, employment, with the knowledge, consent and  
17 permission of the remaining co-defendants.

18 20. That the true names and capacities, whether individual, corporate, associate or otherwise,  
19 of defendants DOES 1 through 50, inclusive, are unknown to plaintiff at this time, who  
20 therefore sues said defendants by such fictitious names, and that when the true names and  
21 capacities of said defendants are ascertained, plaintiff will amend this Complaint  
22 accordingly; plaintiff is informed and believes and thereon alleges that each of the  
23 defendants designated herein as DOE is responsible in some manner for the events and  
24 happening herein referred to and caused injuries and damages proximately thereby to  
25 plaintiff, as herein alleged.

26 21. This Court is the proper Court because injury to Plaintiff occurred in its jurisdictional  
27 area.

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## **FIRST CAUSE OF ACTION**

(Personal Injury/Negligence as against Defendants and DOES 1-50, inclusive for Premises Liability and General Negligence)

- 4 22. Plaintiff realleges and incorporate herein by reference each and every allegation contained  
5 in paragraphs 1 through 20, as fully set forth herein.

6 23. This action is brought pursuant to the tort liability ordinance setting forth terms and  
7 conditions under which the Tribe waives immunity to suit for money damages resulting  
8 from intentional or negligent injuries to persons or property at the gaming facility or in  
9 connection with the Tribe's gaming operation, including procedures for processing any  
10 claims for such money damages

11 24. That on or about April 12, 2009, plaintiff was lawfully on defendants' premises for the  
12 mutual benefit of plaintiff and the defendants, and each of them.

13 25. At the aforementioned time and place, defendants, and each of them, so negligently  
14 maintained, owned, managed, controlled and repaired the hotel tub and shower glass on  
15 the premises so as to allow the accumulation of hazardous and dangerous water on the  
16 ground of the hotel room bathroom causing Plaintiff to slip and fall on the accumulated  
17 water after taking a shower.

18 26. The broken or malfunctioning shower which caused the accumulation of water on the  
19 floor was a dangerous condition known, or in, the exercise of ordinary and reasonable  
20 care should have been known, to defendants, and each of them, in adequate time for a  
21 reasonable prudent person to have fixed the defective shower or properly warned persons,  
22 including plaintiff, of the dangerous condition.

23 27. Harrah's and the Tribe knew or should have known of the existence of these the  
24 dangerous condition for a sufficient time prior to the incident to have taken measures to  
25 protect Plaintiff against the Dangerous Condition.

26 28. As a proximate result of said negligence of the defendants, and each of them, plaintiff did  
27 slip on the subject water exiting the shower of his hotel room, sustaining severe injuries  
28 and damages.

1 29. That as a proximate and direct result of the negligence, recklessness and carelessness of  
2 the defendants, and each of them, plaintiff has sustained, and in the future is certain to  
3 sustain disabling, serious and permanent injuries, pain, suffering and mental anguish in  
4 connection therewith, all to his general damages in a sum according to proof at trial.  
5 30. That as a further, direct and proximate result of the negligence, recklessness and  
6 carelessness of the defendants, and each of them, plaintiff, WILLIAM RUETH has  
7 incurred and will in the future incur medical and sundry expenses in the examination, care  
8 and treatment of his injuries, the exact nature and extent of which are unknown to  
9 plaintiff at this time, and plaintiff will ask leave of court to amend this Complaint in this  
10 regard when the same are ascertained.  
11 31. A timely Notice of Injury was filed within one hundred eighty (180) days of the incident  
12 giving rise to the claim against or with the Rincon San Luiseno Band of Mission Indians  
13 or its Tribal Council to the Risk Manager — Administrative Officer at Harrah's Rincon  
14 Casino and Resort as required by the Rincon Patron Tort Claims Ordinance.  
15 **WHEREFORE**, plaintiff prays for judgment against the defendants, and each of them, as  
16 follows:  
17 1. For general damages according to proof;  
18 2. For special damages, including property damage, medical and related expenses, in  
19 an amount to be determined by proof at trial.  
20 3. For past and future lost earnings in an amount to be determined by proof at trial.  
21 4. For damages for impairment of earning capacity in an amount to be determined by  
22 proof at trial.  
23 5. For the costs of suit incurred herein; and  
24 6. For such other and further relief as the court may deem just and proper.

25 | Respectfully submitted:

26 | April 11, 2011

John Doe

OMID KHORSHIDI  
Attorney for Plaintiff  
WILLIAM BLUETH

JS 44 (Rev. 12/01) CIVIL COVER SHEET  
The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

WILLIAM RUETH

(b) County of Residence of First Listed Plaintiff Los Angeles  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

KHORSHIDI LAW FIRM, 9454 Wilshire Blvd, Suite 702  
Beverly Hills, California 90212, Telephone: (310) 273-2211**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)                        |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III) |

**DEFENDANTS**

HARRAH'S RINCON CASINO AND RESORT, a business entity, form unknown; et al.

County of Residence of First Listed Defendant San Diego  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**'11CV0772 LAB -RBB**

		III. CITIZENSHIP OF PRINCIPAL PARTIES			
		(For Diversity Cases Only)		Place an "X" in One Box for Plaintiff and One Box for Defendant)	
		PTF	DEF	PTF	DEF
Citizen of This State		<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State		<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country		<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 190 Other Contract	<input checked="" type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSJD Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(e))	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	
			<input type="checkbox"/> 465 Other Immigration Actions	

**V. ORIGIN**

(Place an "X" in One Box Only)

- |   |   |  |   |  |   |  |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**28 U.S.C. 1332 Diversity, 28 U.S.C. 1331(c)**Brief description of cause:  
Slip and fall accident at an Indian Casino & Hotel**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

04/12/2011

SIGNATURE OF ATTORNEY OF RECORD

OMIB KHORSHIDI SAN 220799

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE